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PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robertson, Steven

Examiner: Fadok, Mark A.

Serial No.: 09/324,601

Group Art Unit: 3625

Filing Date: 06/02/1999

Attorney Docket: ROBERT.P001

Title of Invention: System and Method for Providing Electronic Multi-Merchant Gift Certificate and Contribution Brokering Services Over a Distributed Network

Seattle, Washington 98109
January 15, 2008

TO THE DIRECTOR OF TECHNICAL CENTER 3600
U.S. Patent Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.198

Applicant acknowledges receipt of a response mailed Dec. 5, 2007 to Applicant's 1.198 petition filed on Oct. 19, 2007, in which the petition was Dismissed as "premature". Applicant hereby respectfully requests reconsideration of the petition under 37 CFR 1.198.

Applicant believes that "a decision by the Board of Patent Appeals and Interferences on appeal has become final for judicial review," as required by 37 CFR 1.198, regardless of having filed a request for rehearing, because Applicant has received a decision from the Board of Patent Appeals and Interferences (hereafter Board) dated Aug. 20, 2007. In this decision, the Board encourages the amendment of the claims to include certain limitations, which have been made in Applicant's 1.198 petition of Oct. 19, 2007. It is these amendments which Applicant wants considered in the interests of judicial and public economy, as well as Applicant's and Patent Trademark Office's own time.

Also, Chapter 1214.07 of the MPEP states:

"Petitions under 37 CFR 1.198 to reopen or reconsider prosecution of a case after decision by the Board, where no court action has been filed, are decided by the Technology Center Director, MPEP § 1002.02(c)."

CERTIFICATE OF MAILING (37 CFR 1.8A)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450.

January 15, 2008

Patrick Dwyer
Patrick Dwyer

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The only requirement mentioned is that no court action have been filed and in the present case none has been filed. The Chapter also states:

“Such petitions will ordinarily be granted only in the following categories of cases:

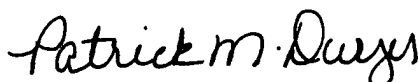
(A) When the decision of the Board asserts that the rejection of the claims is proper because the claims do not include a disclosed limitation or because they suffer from some other curable defect, and the decision reasonably is suggestive that claims including the limitation or devoid of the defect will be allowable...”

Again, the only requirement is that a decision of the board have been received and that the Board has pointed out disclosed limitations not included in the original claims. The Board has, in fact, pointed out just such limitations, and these limitations are now included in the amendments submitted to the Director in the 1.198 petition of Oct. 19, 2007.

Applicant believes it is the purpose of the law and regulations to provide the Director the power to avoid unnecessary Board and court proceedings when a decision of the Board is reasonably suggestive that claims including certain limitations would be allowable and an applicant is willing to amend the case to include those certain limitations. And that is the case in this instance: Applicant has submitted in Applicant's petition of Oct. 19, 2007, amendments that would be acceptable to the Applicant and distinguish over all cited art and which do indeed contain the limitations noted as “missing” by the Board. Therefore, Applicant believes that given this state of the case, allowable subject matter could be reached without the need for further Board review or court action.

Applicant, therefore, sincerely requests that the Director reconsider and thoroughly review Applicant's petition under 37 CFR 1.198 filed Oct. 19, 2007, and rule that the claims as presented in the petition are allowable. If there are any questions, Applicant requests a call to Patrick Dwyer at (206) 550-4049.

Respectfully submitted,



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